

**REMARKS**

Claims 1-4, 10 and 14-16 are pending in this application.

The Office Action, on page 18, paragraph 19, asserts that the results tabulated in TABLE 2, Examples 1-4, 7, 8, 10, 18 and 19; and TABLE 3, Examples 11, 12, 14 and 16 do not apply to the claimed composition or electroactive powder. The Office Action further asserts that because these examples do not include oxygen, they do not represent materials with an amorphous phase of an oxide as claimed. Applicants respectfully submit that the Examples in Tables 2 and 3 are all oxides, and that the indication of oxygen was simply omitted from the tables for at least the following reasons.

The instant specification makes it abundantly clear that having an amorphous phase of an oxide present in or on the material powder is an important feature of the claimed invention. For Example, the specification recites, "The amount of an amorphous phase of an oxide is set to below 0.01 mol. However, zero is not included. ... It is necessary for an amorphous phase of an oxide to be present within a particle of a material powder of the present invention or at the surface thereof. Accordingly, zero is not included." Specification, pages 9-10, carryover paragraph. This portion of the specification clearly indicates that an amorphous phase of an oxide is "necessary," and thus, it would be contrary to the disclosure of the specification to formulate examples that do not include this "necessary" amorphous phase of an oxide.

Further, the specification clearly recites that elements such as Li, Na, K, Si, Ba, B, P, and Al are elements that produce an amorphous phase of an oxide. See specification, page 8, first full paragraph. When describing how the amorphous phase of an oxide is formed, the specification recites, "[A] component for forming an amorphous phase of an oxide composed of one or plural elements selected from the group consisting of Li, Na, K, Si, Ba, B, P, and Al is mixed at an extremely small amount of below 0.01 mol. into a Li-Ni-Co-O or Li-Ni-Co-Ba-

O system raw material. Firing the resulting mixture allows production of a positive electrode material for a lithium secondary battery having an amorphous phase of an oxide within each of particles." Specification, page 10, first full paragraph. Furthermore, the specification recites that Examples 1-10 and 17-19 were made by adding Ni and Co sources, with the claimed molar ratios, together with other raw materials, such as:  $\text{LiOH}^+\text{H}_2\text{O}$  as the Li source;  $\text{NaNO}_3$  as the Na source;  $\text{KNO}_3$  as the K source;  $\text{Ba}(\text{NO}_3)_2$  as the Ba source;  $\text{H}_3\text{BO}_3$  as the B source;  $\text{Al}_2\text{O}_3$  as the Al source;  $\text{SiO}_2$  as the Si source; and  $\text{P}_2\text{O}_5$  as the P source. These components are then fired and cooled. See specification pages 12-13. Thus, the preparation of these Examples includes the elements that produce an amorphous phase of an oxide, and the process (i.e., firing and cooling) disclosed to produce the amorphous phase of an oxide. Therefore, one of ordinary skill in the art would have known that an amorphous phase of an oxide is inherently included in the results recorded in the Tables for these Examples, even if not explicitly stated.

Additionally, regarding Examples 11-16, the specification recites, "In Examples 11, 13, 14, and 15, an amorphous phase of an oxide is formed on the surface of each of particles. In Examples 12 and 16, an amorphous phase of an oxide is formed within each of particles and on the surface thereof. Table 3 shows the respective average particle diameters and molar ratios of the individual elements measured by laser diffraction and chemical analysis, respectively." Specification, page 18. Accordingly, one of ordinary skill in the art would have known that an amorphous phase of an oxide is inherently included in the results recorded in the Tables for these Examples, even if not explicitly stated.

For at least the reasons stated above, Applicants respectfully request that the Examiner consider the results recorded in Tables 1-4 of the present specification when considering the amendments and remarks set forth in the Amendment After Final Rejection filed on October 14, 2008.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Request for Continued Examination  
Petition for Extension of Time

Date: November 13, 2008

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